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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/643,626	08/19/2003	David G. Mann	WOOSP0131US	4453
7590	10/18/2004		EXAMINER	
Donald L. Otto Renner, Otto, Boisselle & Sklar, LLP 19th Floor 1621 Euclid Avenue Cleveland, OH 44115-2191			SPISICH, MARK	
			ART UNIT	PAPER NUMBER
			1744	
			DATE MAILED: 10/18/2004	

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	10/643,626	MANN, DAVID G.
Examiner	Art Unit	
Mark Spisich	1744	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### **Status**

- 1) Responsive to communication(s) filed on \_\_\_\_\_.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### **Disposition of Claims**

- 4) Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1,2,4-9,11-14 and 16-22 is/are rejected.
- 7) Claim(s) 3,10 and 15 is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### **Application Papers**

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### **Priority under 35 U.S.C. § 119**

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### **Attachment(s)**

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
 Paper No(s)/Mail Date 11/20/03.
- 4) Interview Summary (PTO-413)  
 Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: \_\_\_\_\_.

## DETAILED ACTION

### ***Specification***

1. The disclosure is objected to because of the following informalities: "15" (page 5, line 5) is incorrect in that this number is the "top opening".

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1,4-6 and 18 are rejected under 35 U.S.C. 102(b) as being anticipated by Passafiume (USP 6,119,303). The patent to Passafiume discloses a paint roller grid (10) including a wiping surface (14) and a pair of laterally spaced hooks (45,46) extending rearwardly from the grid for hooking over the upper rim (94) of a container (90) wherein each of the hooks includes a rearwardly extending upper portion (50,52) and a downwardly extending inturned lip having a forwardly facing inwardly angled surface (47,48). With regard to claims 4 and 5, the hooks (45,46) would have at least some degree of flexibility and the comparisons with the size of the container are noted; however, the container is not positively recited in claim 1. As claim 1 does not recite the combination of the grid with the container, the recitation that the bottom edge of the grid contacts the bottom of the container does not define over the prior art in that the container is not claimed.

4. Claims 12-14 and 16 are rejected under 35 U.S.C. 102(b) as being anticipated by Welt (USP 3,394,425). The patent to Welt discloses a paint roller grid (12) including a wiping surface (14) and further including at least one rearwardly extending hook (32,34) for hooking over an upper rim (52) of a container (56) and further including a pair of laterally spaced feet (24,26) for engagement with an inner surface of the container. As the container is not positively recited, the patent to Welt also meets claim 16.

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Passafiume (USP 6,119,303) in view of McManaway (USP 4,083,466). The patent to Passafiume discloses the invention substantially as claimed with the exception of the hooks extending laterally outward from opposite side edges of the grid. The patent to McManaway discloses a grid (35) with similar hooks (E,F) and which hooks extend laterally outward from side edges thereof (see fig 1). It would have been obvious to one of ordinary skill to have modified the device of Passafiume as such depending on the desired location of the grid relative to the inside of the container.

7. Claims 7-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Passafiume (USP 6,119,303) in view of Welt (USP 3,394,425). The patent to Passafiume discloses the invention as claimed in claim 1 as well as means 56,58) for

engaging an inner surface of the container. The patent to Passafiume fails only to discloses the provision of a pair of rearwardly extending and laterally spaced feet for this purpose. The patent to Welt discloses a pair of spaced feet (24,26) which serve the same purpose. It would have been obvious to one of ordinary skill to have modified the device of Passafiume as such as it would eliminate the need to bend to entire lower portion of the grid.

8. Claims 11,20 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Passafiume (USP 6,119,303) in view of Morgan , Sr (USP 4,145,789). The patent to Passafiume discloses the invention substantially as claimed with the exception of a portion of the grid extending above the upper rim of the container. The patent to Morgan discloses such a feature (see fig 1). It would have been obvious to one of ordinary skill to have modified the grid of Passafiume so that an implement such as a paint roller could be easily hooked onto an upper edge of the grid (again see fig 1). With regard to claim 20, the patent to Morgan discloses a grid (10) which is hooked to an upper rim of a container may further having its bottom edge (24) in contact with the bottom (26) of the container (see fig 1) and as such the lengthening of the grid of Passafiume would in view thereof be an obvious modification to one of ordinary skill.

9. Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over Passafiume (USP 6,119,303) and Morgan, Sr (USP 4,145,789) as applied to claim 20 above, and further in view of Welt (USP 3,394,425). The prior art discloses the invention substantially as claimed with the exception of the spaced feet. The provision

of feet to the grid of Passafiume in view of Welt would be obvious to one of ordinary skill for the same reason set forth in paragraph #7 above.

10. Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Welt (USP 3,394,425) in view of Morgan, Sr (USP 4,145,789). The patent to Welt discloses the invention substantially as claimed with the exception of a portion of the grid extending above the rim of the container. It would have been obvious to one of ordinary skill to have modified the device of Welt in view of Morgan for the same reason set forth above in paragraph #8.

11. Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Passafiume (USP 6,19,303) in view of Linn et al (USP 5,283.928). The patent to Passafiume discloses the invention substantially as claimed with the exception of a slight flexure of the hooks when the grid is secured to the container. The patent to Linn discloses a grid (10) having flexible hooks (23,24) which slightly flex upon attachment to the container (see fig 3). It would have been obvious to one of ordinary skill to have modified the device of Passafiume as such to produce a more snug connection between the grid and container.

***Allowable Subject Matter***

12. Claims 3,10 and 15 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Conclusion***

13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The patents to Averna, Stafford and Bukovitz are also pertinent to roller grids which are removable attachable to a container.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark Spisich whose telephone number is (571) 272-1278. The examiner can normally be reached on M-Th (5:30-3:00), Alternate Fri off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert J Warden can be reached on (571) 272-1281. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Mark Spisich  
Primary Examiner  
Art Unit 1744

MS